Crl.Misc.No.36739 -M of 2005

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Statement of Ms.Harvinder Kaur daughter of Ishar Singh resident of House No.1380, Jawahar Colony, Faridabad. (On S.A.)

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I was married to the petitioner on 3.9.1999. A male child was also born out of the wedlock. Due to the temperamental differences, I and my husband started living separately. Thereafter, I got registered F.I.R.No.167 dated 14.4.2004 under Section 498-A/406 IPC registered at Police Station Saran, District Faridabad. However, with the intervention of the respectables, we have resolved our dispute and in terms thereof the decree of divorce by mutual consent has been passed. I have no objection if the above-stated FIR and the proceedings arising therefrom are quashed by this Court

R.O.& A.C. **(SURYA KANT)**
November 15, 2007 **JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.36739-M of 2005
Date of Decision:- 15.11.2007

Harvinder Singh ....Petitioner(s)

through
Mr.Sanjiv Pandey, Advocate

vs.

State of Haryana & another ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition under Section 482 Cr.P.C. is for quashing of F.I.R.No.167 dated 14.4.2004, under Sections 498-A/406 IPC, registered at Police Station Saran, District Faridabad.

The aforementioned relief has been sought on the ground that the petitioner-Harvinder Singh son of Late Joga Singh and respondent No.2-Harvinder Kaur daughter of Ishar Singh have not been able to pull on together after their marriage on 3.9.1999 due to temperamental differences. They are living separately since 25.3.2002. A male child was born out of the said wedlock. It has been pointed out that vide order dated 25.12.2004 passed by the learned District Judge, the marriage between the parties has been dissolved by way of decree of divorce by mutual consent and respondent No.2 has been paid full and final amount towards permanent alimony and/or any other claims. Respondent No.2 has separately deposed

on oath and in her deposition she has supported the prayer made in this petition.

In view of the aforementioned stand taken by the parties and having regard to the principles laid down by the Apex Court in the case of **B.S.Joshi and others vs. State of Haryana and another,** 2003 (2) RCR (Crl.) 888 and a five Judges Bench of this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another,** 2007 (3) Law Herald (P&H), 2225, this petition is allowed and the F.I.R.No.167 dated 14.4.2004, under Sections 498-A/406 IPC, registered at Police Station Saran, District Faridabad and all the subsequent proceedings arising therefrom are hereby quashed.

November 15, 2007 **(SURYA KANT)**
poonam **JUDGE**